IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4958 OF 2001

Shri Kamlakar Bajirao Rane .. Petitioner

Vs.

Shaukatali Sherali Manekia
and ors. .. Respondents

Mr. R.S. Apte for petitioner.
Mr. Cyrus Ardeshiv i/by Bilawala & Co. for respondent nos.1,2B, 3,4, 5C and 5D.

CORAM: B.H. MARLAPALLE, J.

Date : June 20, 2006.

P.C.:

1. Heard Mr. Apte the learned counsel for the petitioner. The affidavit in reply filed by the respondents is perused and it is noticed that the order passed by the SDO on 5/8/1995 in Appeal No.237 of 1989 has already been acted upon and the mutation entries have been effected. Writ Petition No.2293 of 1986 and First Appeal No.767 of 1988 came to be decided by the Division Bench of this court by a common judgment dated 22/12/2004 and the subject property i.e. agricultural land is covered by the

said decision. Mr. Apte the learned counsel for the petitioner pointed out that he has already challenged the decision of this court in the Writ Petition No.2293 of 1986 by filing a SLP before the Supreme Court.

2. In case the petitioners succeed before the Supreme Court, undoubtedly he has the remedy of instituting fresh proceedings to change the mutation entries consequent to the decision in his favour, if any, by the Apex Court. As at present, nothing survives in this petition and, therefore, the same is disposed as infructuous.

(B.H. Marlapalle,J.)